

March 15, 2017

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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

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Federal Communications Commission  
Bureau / Office

Ms. Alison Kutler  
Chief, Consumer & Governmental Affairs Bureau  
TRS Certification Program  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: **REQUEST FOR CONFIDENTIAL TREATMENT**  
**Amendment to Application of ClearCaptions, LLC for Certification to**  
**Provide Internet Protocol Captioned Telephone Service**  
**CG Docket No. 03-123**

DOCKET FILE COPY ORIGINAL

Dear Ms. Dortch and Ms. Kutler,

ClearCaptions, LLC (ClearCaptions), pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission's (FCC or Commission) rules, respectfully requests confidential treatment of certain information contained in the enclosed Amendment to the Internet-Based TRS Certification Application (the "Application") that was submitted by ClearCaptions on April 18, 2016.<sup>1</sup>

ClearCaptions requests confidential treatment of all information contained after the heading **\*\*\*BEGIN CONFIDENTIAL\*\*\*** and before the close heading **\*\*\*END CONFIDENTIAL\*\*\***. As described below, all material contained inside those headings is proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is subject to Exemption 4 under the Freedom of Information Act (FOIA).<sup>2</sup> The confidential information has been redacted from the version electronically filed with the Commission.

**1. Identification of the specific information for which confidential treatment is sought.**

ClearCaptions requests confidential treatment of all information contained after the heading **\*\*\*BEGIN CONFIDENTIAL\*\*\*** and before the close heading **\*\*\*END CONFIDENTIAL\*\*\***. All of the information designated as confidential information is

<sup>1</sup> ClearCaptions LLC, Internet-Based TRS Certification Application, CG Docket No. 03-123 (Apr. 18, 2016).

<sup>2</sup> 5 U.S.C. § 552(b)(4).

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proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is confidential commercial information under Exemption 4 of the FOIA.<sup>3</sup>

**2. Identification of the Commission proceeding in which the information is submitted or a description of the circumstances giving rise to the submission.**

ClearCaptions is amending its Application for certification to provide Internet Protocol Captioned Telephone Service (IP-CTS), in accordance with 47 C.F.R. §§ 1.65 & 64.606. The Amendment includes updated corporate proprietary information as required by 47 C.F.R. § 64.606.

**3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

The confidential information in the enclosed Amendment is sensitive commercial information specific to the operations and structure of ClearCaptions, disclosure of which would cause harm to ClearCaptions. This information is generally safeguarded from competitors and is not made available to the public.

**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

The confidential information concerns IP-CTS, a nationwide competitive service.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

Disclosure of the confidential information could cause substantial competitive harm to ClearCaptions, because it would provide competitors insight into confidential operational and structural information that would not otherwise be available, disclosure of which would work to ClearCaptions' severe competitive disadvantage.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

ClearCaptions routinely treats the subject information as confidential and exercises significant care to ensure that such information is not disclosed to its competitors or the public.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

ClearCaptions does not make the confidential information available to the public, and this information has not been previously disclosed to third parties, except where required by the

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<sup>3</sup> 5 U.S.C. § 552(b)(4).

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Commission and the TRS Fund Administrator, each of whom protect the confidentiality of such submissions.

- 8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.**

ClearCaptions requests that the confidential information be treated as confidential on an indefinite basis as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to ClearCaptions.

- 9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.**

The confidential information contains proprietary commercial and financial information that ClearCaptions will safeguard as necessary.

Should you have any questions concerning the foregoing request, please contact the undersigned.

Respectfully submitted,

/s/ Michael Strecker  
Michael Strecker  
Vice President of Regulatory  
ClearCaptions, LLC  
595 Menlo Drive  
Rocklin, CA 95765

cc: Eliot Greenwald  
Bob Aldrich  
TRSreports@fcc.gov

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )

Telecommunications Relay Services and )  
Speech-to-Speech Services for Individuals )  
with Hearing and Speech Disabilities )

CG Docket No. 03-123

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Federal Communications Commission  
Office of the Secretary

**AMENDMENT TO  
INTERNET-BASED TRS CERTIFICATION APPLICATION**

Pursuant to Section 1.65 of the Commission's rules,<sup>1</sup> ClearCaptions, LLC ("ClearCaptions"), as owned by funds controlled by Reservoir Capital Partners, L.P. ("Reservoir"), hereby submits this Amendment to ClearCaptions' pending and unopposed Internet-Based TRS Certification Application (the "Application") for full certification to provide Internet Protocol Captioned Telephone Service ("IP-CTS") that is eligible for compensation from the Interstate Telecommunications Relay Service Fund ("TRS Fund"), which was submitted to the Commission on April 18, 2016.<sup>2</sup>

ClearCaptions is hereby amending certain structural and operational information contained in that Application in light of ZVRS Holding Company's acquisition of Purple

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<sup>1</sup> 47 C.F.R. § 1.65.

<sup>2</sup> See ClearCaptions, LLC, Internet-Based TRS Certification Application, CG Docket No. 03-123 (Apr. 18, 2016). ClearCaptions is currently providing IP-CTS pursuant to a conditional certification that was granted to Purple Communications, Inc., ClearCaptions' former parent company, on November 7, 2014, and transferred from Purple Communications, Inc. to ClearCaptions effective December 29, 2016. See *Notice of Grant of Conditional Certification for Purple Communications, Inc. to Provide Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 14-1627 (Nov. 7, 2014); *Notice of Transfer of IP CTS Certification from Purple Communications, Inc. to ClearCaptions LLC*, CG Docket No. 03-123, Letter (Jan. 27, 2017).

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Communications, Inc., the former parent company of ClearCaptions, on February 14, 2017.<sup>3</sup>

Specifically, attached hereto are updates to the following items in that Application: Section I – Introduction and Summary (see Attachment A); ClearCaptions' Complaint Contact Point (see Attachment B); and Exhibits 1 and 2 to that Application (see Attachments C & D, respectively).

The amended Section I provides an updated description of ClearCaptions' current corporate structure. The amended Exhibit 1 provides an updated description of ClearCaptions' corporate stakeholders, structure, and officers pursuant to Sections 64.606(a)(2)(ii)(B) of the Commission's rules.<sup>4</sup> The amended Exhibit 2 provides an updated list of the ClearCaptions' employees involved in TRS operations pursuant to Sections 64.606(a)(2)(ii)(C) of the Commission's rules.<sup>5</sup>

ClearCaptions is committed to providing the highest quality service and a variety of innovative products that support the needs of relay consumers. For the reasons set forth in the Application, as amended herein, it is in the public interest to grant ClearCaptions, as owned and controlled by Reservoir, full certification to receive direct compensation from the TRS Fund for the provision of IP-CTS.

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<sup>3</sup> See ZVRS, *ZVRS Acquires Purple Communications to Better Serve Customers, Deaf Community*, Press Release (Feb. 15, 2017), available at <http://www.zvrs.com/acquisition/>.

<sup>4</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

<sup>5</sup> 47 C.F.R. § 64.606(a)(2)(ii)(C).

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Respectfully submitted,

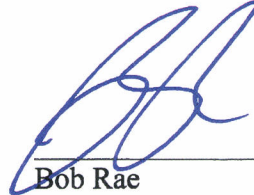
/s/ Michael Strecker

Michael Strecker  
Vice President of Regulatory  
ClearCaptions, LLC  
595 Menlo Drive  
Rocklin, CA 95765

cc: Eliot Greenwald  
Bob Aldrich  
TRSreports@fcc.gov

**CERTIFICATION OF CORPORATE OFFICER**

I swear under penalty of perjury that I am Bob Rae, President and CEO of ClearCaptions, LLC, an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.



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Bob Rae  
President and CEO  
ClearCaptions, LLC

Date: March 15, 2017

ATTACHMENT A – AMENDED SECTION I TO APPLICATION

I. Introduction and Summary

Pursuant to 47 C.F.R. § 64.606(a)(2), and in accordance with the Commission's Orders released on July 28 and October 17, 2011, ClearCaptions LLC ("ClearCaptions") submits this application for certification as a provider of Internet-based telecommunications relay service ("iTRS").<sup>1</sup>

ClearCaptions provides Internet Protocol Captioned Telephone Service ("IP CTS") to enable deaf and hard of hearing persons to communicate via telephone. ClearCaptions currently provides IP CTS pursuant to a conditional certification that was transferred from Purple Communications, Inc. ("Purple") to ClearCaptions effective December 29, 2016.<sup>2</sup> Accordingly, since December 29, 2016, ClearCaptions has been responsible for submitting requests for compensation and has been accountable to the Commission for its provision of IP CTS independently of Purple. On February 14, 2017, ZVRS Holding Company acquired Purple, and ClearCaptions became a separate entity from Purple.

Since 2011, ClearCaptions has provided an innovative suite of communication services for individuals with hearing loss. ClearCaptions delivers captioning via IP CTS. ClearCaptions' services are designed for delivery on a variety of platforms, including home phones, personal

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<sup>1</sup> See 47 C.F.R. § 64.606(a)(2); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, FCC 11-118 (July 28, 2011); *Structure and Practices of the Video Relay Service Program et al.*, CG Docket No. 10-51, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, FCC 11-155 (Oct. 17, 2011).

<sup>2</sup> See *Notice of Grant of Conditional Certification for Purple Communications, Inc. To Provide Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 14-1627 (Nov. 7, 2014); *Notice of Transfer of IP CTS Certification from Purple Communications, Inc. to ClearCaptions LLC*, CG Docket No. 03-123, Letter (Jan. 27, 2017).



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computers and mobile devices. ClearCaptions has demonstrated its commitment to actively and responsively working with its customers to ensure that its services meet their needs.

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**ATTACHMENT B – AMENDED COMPLAINT CONTACT POINT**

<b>Complaint Contact Point</b> 47 C.F.R. § 64.604(c)(2)		<p>The contact person at ClearCaptions for TRS consumer information, complaints, grievances, inquiries and suggestions is:</p> <p>Tracy Mendonsa Compliance and Investigations Manager ClearCaptions LLC 595 Menlo Drive Rocklin, CA 95765 Telephone: 916-274-6927 Facsimile: 855-236-0840 Email: <a href="mailto:tracy.mendonsa@clearcaptions.com">tracy.mendonsa@clearcaptions.com</a> Website: <a href="http://www.clearcaptions.com">www.clearcaptions.com</a></p>
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**ATTACHMENT C – AMENDED EXHIBIT 1 TO APPLICATION**

**EXHIBIT 1**

**Corporate Stakeholders, Structure, and Officers and Organizational Structure**

ClearCaptions LLC is a limited liability company. ClearCaptions LLC is owned by multiple funds, all of which are controlled by Reservoir Capital Partners, L.P.<sup>35</sup> Reservoir Capital Partners, L.P. is the General Partner of Reservoir VRS-CC SPV, LLC.

The executives and officers of ClearCaptions LLC are as follows:

Bob Rae, Chief Executive Officer  
John Kelleher, Chief Financial Officer  
Gordon L. Ellis, Vice President of Sales  
Rita Beier Braman, Vice President of Text Operations and National Quality Assurance  
Blaine Reeve, Chief Technology Officer and Chief Information Officer  
Michael Strecker, Vice President of Regulatory and Strategic Policy  
Monique Dirstine, Director of Human Resources

ClearCaptions LLC has the following Board of Managers:

AJ Brohinsky  
Craig Huff  
Gregg Zeitlin  
Eric Engler

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<sup>35</sup> See ClearCaptions, LLC, Notification of Non-Substantive Change to ClearCaptions' Ownership Structure, CG Docket Nos. 10-51 & 03-123 (Mar. 9, 2017).

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**ATTACHMENT D – AMENDED EXHIBIT 2 TO APPLICATION**

**EXHIBIT 2**

**Number of ClearCaptions LLC Employees**

**\*\*\*BEGIN CONFIDENTIAL\*\*\***

**\*\*\*END CONFIDENTIAL\*\*\***